IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1486 OF 2007

Lokhandwala Construction Industries Pvt.Ltd., ..Petitioner

V/s.

The Municipal Corpn.of Gr.Mumbai and Ors. ..Defendants

Mr.G.V.Murthy i/by Mamta Shah for the petitioner.

Mr.A.J.Bhor for Respondent/BMC.

Coram : S.J.Vazifdar,J

Date : 18.07.2007.

PC

1. Rule, returnable and heard forthwith.

2. Technically it is true that there is a delay in filing an appeal under Section 217 of the BMC Act. However, it appears that the petitioners had infact applied for a reasoned order dated 4.10.2005. The same has not been furnished to date. As far as the appeal against the order dated 10.2.2006 is concerned, a certified copy was applied for on 1.3.2006 and the same was furnished on 16.3.2006. It is true that there is a delay of about 67 days in filing an appeal against the 2nd order dated 10.2.2006. However, for the reasons stated in the application for condonation of delay, it appears

that there was no wilfull default on the part of the petitioners. Though directors are normally available in the city, it is possible that there was some communication gap which led to the marginal delay. The petitioners agree and undertake to pay property taxes as per law subject to any order that may be passed in the appeal.

3. In the circumstances, rule is made absolute in terms of prayer clause-(b).